

IN THE SENATE

SENATE BILL NO. 1055

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 22-103, IDAHO CODE, TO DELETE A REQUIREMENT THAT THE DIRECTOR SUPPORT A MARKET NEWS SERVICE AND TO DELETE CERTAIN SUBSECTION REFERENCES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-103, Idaho Code, be, and the same is hereby amended to read as follows:

22-103. DUTIES OF DIRECTOR. The director of the department of agriculture shall execute the powers and discharge the duties vested by law in him or in the department, including, but not limited to, the following:

(1) Pursuant to chapter 53, title 67, Idaho Code, hire, assign duties and evaluate the performance of all employees of the department.

(2) Designate employees for special assignment, office or function as the needs of the department may require.

(3) Acquire, generate, develop and disseminate information and data concerning agricultural pursuits, productivity and product quality.

(4) Encourage and promote in every practical manner, the interests of agriculture, horticulture, apiculture, aquaculture, the livestock industries, poultry and fowl raising, wool and fur-bearing animals and their allied industries.

(5) Assist, encourage and promote the organization of farmers' institutes, agricultural, horticultural, management or cooperative societies and organizations for the benefit of agricultural pursuits in this state.

(6) Promote improved methods of production, storage, sales and marketing of agricultural industries.

(7) Establish and promulgate standards of construction, use and sanitation of open and closed receptacles for farm products, and standards for grade or other classification of farm products.

(8) Prescribe and promulgate rules governing marks, brands and labels, and the registration thereof, for use upon receptacles for farm products.

(9) Promote, in the interest of the public, economical and efficient use of products and commodities used in the production of agricultural, horticultural, meats and other products and farm commodities and their distribution.

(10) Cooperate with producers, processors and consumers in devising and maintaining economical and efficient systems of distribution, and to assist in the reduction of waste and expense incidental to the marketing of agricultural products.

~~(11) Support a market news service to gather and diffuse timely information and statistics concerning supply, demand, prevailing prices and commercial movement of agricultural products.~~

1 ~~(12)~~ Cooperate with the secretary, colleges and universities, experi-
 2 ment stations, and other agencies which cooperate in devising, research and
 3 development and utilization of improved agricultural production and other
 4 activities.

5 (132) Investigate the practices, methods of factors, management tech-
 6 niques of commission merchants, track buyers and others who receive,
 7 solicit, buy, sell, handle on commission or otherwise, or deal in grains,
 8 eggs, livestock, vegetables or other products used as human foods, to the
 9 end that distribution of such commodities through such factors, commission
 10 merchants, track buyers and others be efficiently and economically accom-
 11 plished without hardship, waste or fraud.

12 (143) Enter and inspect any right-of-way of any irrigation canal, rail-
 13 way, public highway, field, orchard, nursery, fruit or vegetable packing
 14 house, store room, sales room, storage facility, depot or other place where
 15 fruits and vegetables are grown or stored and to inspect fruits, trees,
 16 plants, vines, shrubs or other articles within the state, and if such places
 17 or articles are infested with pests, insects or their eggs or larvae, or with
 18 any contagious or transmittable diseases injurious to plant life, to abate
 19 or eradicate the same as a nuisance.

20 (154) Provide treatment for and prevent the spread of infectious or com-
 21 municable diseases among bees, livestock, fur-bearing animals or domestic
 22 animals through the systematic and periodic inspection, testing or treat-
 23 ment of such bees and animals at the expense of the owner thereof.

24 (165) Protect the livestock interests of the state from losses due to
 25 disease or hazards to animal health and communicable to humans through agri-
 26 cultural products. The director is authorized to regulate, as deemed neces-
 27 sary, commercial livestock truck washing facilities. This includes permit-
 28 ting for the treatment or disposal, at any location, of any wash water gener-
 29 ated by the facility. This subsection preempts Idaho department of environ-
 30 mental quality's authority to issue land application permits and to do plan
 31 and specification reviews under section 39-118, Idaho Code, for livestock
 32 truck wash facilities, but does not affect any other authority of the Idaho
 33 department of environmental quality.

34 (176) Maintain recording of earmarks, eartags or other identifying
 35 marks not covered under any other provisions of law.

36 (187) Purchase, lease, hold, sell, and dispose of real and personal
 37 property of the department when, in the judgment of the director, such trans-
 38 actions promote the purposes for which the department is established.

39 (198) Contract with any state agency, federal agency or agency of an-
 40 other state concerning any matter, program or cooperative effort within the
 41 scope and jurisdiction of its authority pursuant to law.

42 (2019) Assist in the improvement of country life, farm occupations and
 43 to cooperate in effectuating equality of opportunity of those employed in
 44 agricultural pursuits in the state of Idaho.

45 (210) Investigate diseases, contamination of livestock and poultry,
 46 agricultural, horticultural, and farm products, suspected to be infected
 47 or contaminated by bacterial, viral, protozoal, parasitic, chemical, nu-
 48 clear, botanical or other disease-producing agents, or carrying a residue
 49 of any such disease-producing agent or chemical in excess of any tolerance
 50 established by federal or state law or regulation and to examine, conduct

1 tests, and issue "hold orders" on any livestock, poultry, agricultural,
2 horticultural or farm products as deemed necessary to effectuate a diagnosis
3 of disease, contamination or chemical level to safeguard and protect animal
4 and man. And additionally, authorize and implement a predator control pro-
5 gram on state and private lands using any kind of toxic material or substance
6 suitable for such purpose. Any toxic material or substance shall be approved
7 for use by the director. In order to carry out the provisions of this sub-
8 section ~~(21)~~, the director shall prescribe and promulgate rules pursuant to
9 chapter 52, title 67, Idaho Code.

10 (221) Prescribe by rule an interest charge which may be assessed on all
11 accounts which are thirty (30) days past due from the initial billing date or
12 the assessment due date. The interest rate charged shall not exceed twelve
13 percent (12%) per annum.

14 (232) To take all steps that are deemed necessary to prevent and con-
15 trol damage or conflicts on federal, state, or other public or private lands
16 caused by predatory animals, rodents, or birds, including threatened or en-
17 dangered wildlife within the state of Idaho as are established by federal or
18 state law, federal or state regulation, or county ordinance, that are in-
19 jurious to animal husbandry, agriculture, horticulture, forestry, wildlife
20 and human health and safety.

21 (243) Administer a range program to provide support, coordination and
22 expertise to Idaho rangeland livestock producers and land and wildlife man-
23 agement agencies for the planning and management of vegetation, grazing per-
24 mits and other rangeland resources that are of importance to the livestock
25 industry. The program shall also provide technical expertise and support to
26 state and industry entities in reviewing various federal environmental im-
27 pact statements, federal environmental assessments and other state and fed-
28 eral proposals that impact grazing, vegetation management or other range-
29 land resources or uses important to the livestock industry.

30 (254) To administer oaths, certify to all official acts and subpoena any
31 person in this state as a witness; to compel through subpoena the production
32 of books, papers, and records; and to take the testimony of any person on de-
33 position in the same manner as prescribed by law in the procedure before the
34 courts of this state. A subpoena issued by the director shall extend to all
35 parts of the state and may be served by any person authorized to do so. All
36 powers of the director enumerated in this subsection ~~(25)~~ with respect to ad-
37 ministering oaths, power of subpoena, and other powers in hearings on com-
38 plaints shall likewise be applicable to hearings held on applications for
39 the issuance or renewal of licenses.

40 (265) To appoint, as necessary, committees for the purpose of advising
41 the director on any and all matters relating to agricultural programs within
42 the Idaho department of agriculture.

43 (276) Cooperate with producers, industry and technology groups, and
44 other agencies to encourage the growth of technology within the state's
45 agricultural industries while protecting, as necessary, the integrity of
46 existing agriculture and agricultural marketing channels.